

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-09-2009 BY 65179 dmh/baw/sbs

62-118045-195  
**CHANGED TO**  
62-117958-29X1

AUG 23 1979

cmk/klvD

Greenberg/Gray-6220

C

UNITED STATES GOVERNMENT

~~CONFIDENTIAL~~

# Memorandum

FEDERAL GOVERNMENT

TO : Joseph Tierney  
Federal Bureau of Investigation

FROM : Frank Martin  
Criminal Division

SUBJECT: Department Knowledge of FBI Bag-Jobs

DATE: May 3, 1979

DECLASSIFICATION AUTHORITY FROM:  
FBI AUTOMATIC DECLASSIFICATION GUIDE  
DATE 04-09-2009  
FBI INFORMATION ONLY

*W. Mark Felt*

Reference is made to discovery document 264(A)5 (memo,

Director to AAG Olney, May 7, 1954, copy attached) previously provided in connection with discovery in the Gray-Felt-Miller case.

Please provide a copy of the memo of the Attorney General dated February 26, 1952, referred to in 264(A)5.

In addition, please identify T-1, T-2, T-7, T-8 and T-12 in the report of Special Agent *[redacted]* dated November

(U) 2, 1953, at San Francisco, also referred to in 264(A)5.  
*EX-136* *62-118045-1953*  
*DE-31 REC-70* *62-118045-1953*  
*100-3-74-47-119* *100-49675-229*

b6  
b7c

T-1 LA 3741-S\*

T-2 CS SF 62X\*

T-7 CS SF 71X\*

72 SF 2015-S\*

T-12 CS SF 88X\*

5F 2015-S is microphone; others are only entries.

*100-351274-28*  
*100-3-94-47-26*  
*100-362090-11*

*100-3-94-47-X6*  
*-71X*  
*100-353753-17*

*100-3-94-47-7*  
*81215-3)*  
*100-4044158-113*  
*-116*

23 JUL 2 1979

*62-118045-*

*Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan*



5010-110

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~~POLAROID~~

ALL FBI INFORMATION CONTAINED

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DATE 04-09-2009 BY 65179 dmh/paw/sbs

# Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Hoover  
 Director, Federal Bureau of Investigation

FROM : Attorney General *[Signature]*

SUBJECT: Wire Tapping Surveillances.

DATE: February 26, 1952

Mr. Tolson   
 Mr. Ladd   
 Mr. Nease   
 Mr. Belmont   
 Mr. Clegg   
 Mr. Glavin   
 Mr. Harbo   
 Mr. Rosen   
 Mr. Tracy   
 Mr. Laughlin   
 Mr. Mohr   
 Tele. Room   
 Mr. Holloman   
 Miss Gandy

*Delegated*

O T E: W ELL SURVEILLANCES

**PERSONAL AND CONFIDENTIAL**

Reference is made to your memoranda relative to wire tapping surveillances.

There is pending, as you know, before the Congress legislation that I have recommended which would permit wire tapping under appropriate safeguards and make evidence thus obtained admissible. As you state, the use of wire tapping is indispensable in intelligence coverage of matters relating to espionage, sabotage, and related security fields. Consequently, I do not intend to alter the existing policy that wire tapping surveillance should be used under the present highly restrictive basis and when specifically authorized by me.

The use of microphone surveillance which does not involve a trespass would seem to be permissible under the present state of the law, United States v. Goldstein, 316 U.S. 129. Such surveillances as involve trespass are in the area of the Fourth Amendment, and evidence so obtained and from leads so obtained is inadmissible.

The records do not indicate that this question dealing with microphones has ever been presented before; therefore, please be advised that I cannot authorize the installation of a microphone involving a trespass under existing law..

It is requested when any case is referred to the Department in which telephone, microphone or other technical surveillances have been employed by the Bureau or other Federal Agencies (when known) that the Department be advised of the facts at the time the matter is first submitted.

RECORDED - 112

166-8160-1876  
 MAR 31 1952  
 EXPEDITED PROCESSING

ENCLOSURE

cc: A. H. BELMONT

Assistant Attorney General  
Warren Olney III

UNCLASSIFIED

May 7, 1954

Director, FBI

PROSECUTION OF ADDITIONAL COMMUNIST  
PARTY FUNCTIONARIES UNDER THE SMITH  
ACT - CALIFORNIA

FBI File 100-3-74 sub 47-119

RECORDED 60

Reference is made to your memorandum dated May 7, 1954, your file 146-1-12-2228, requesting to be advised of the availability of certain confidential informants to testify before a Federal grand jury and at a subsequent trial against [redacted]

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The status of the informants listed in the investigative report of Special Agent [redacted] dated November 2, 1953, at San Francisco, is as follows:

T-1, T-2, T-7, T-8 and T-12 all represent highly confidential investigative techniques of the nature described in the memorandum of the Attorney General dated February 26, 1952, and discussed at a subsequent conference between representatives of the Bureau and the Department on May 22, 1952.

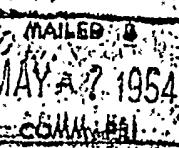
T-11 is a current confidential informant whom the Bureau does not desire to expose because of the extremely valuable information he is furnishing.

T-10 represents documentary evidence seized by Bureau Agents incidental to the lawful arrests of Communist fugitives [redacted]

[redacted] at Twain Harte, California, on August 18, 1953. This evidence would, of course, necessitate special Agent testimony, the feasibility of which in this case can be explored.

Tolson \_\_\_\_\_  
Ladd \_\_\_\_\_  
Nichols \_\_\_\_\_  
Belmont \_\_\_\_\_  
Clegg \_\_\_\_\_  
Glavin \_\_\_\_\_  
Harbo \_\_\_\_\_  
Rosen \_\_\_\_\_  
Tracy \_\_\_\_\_  
Mohr \_\_\_\_\_  
Trotter \_\_\_\_\_  
Winterrowd \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holloman \_\_\_\_\_  
Miss Gandy \_\_\_\_\_

cc Bufile 100-3282 MAY 7 1954  
100-49875



EBR:imd

MAY 28 1954

ENCLOSURE

100-3-74 sub 47-

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UNCLASSIFIED

## FEDERAL BUREAU OF INVESTIGATION

FORM NO. 1  
THIS CASE ORIGINATED AT

LOS ANGELES

FILE NO.

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REPORT MADE AT  SAN FRANCISCO	DATE WHEN MADE  NOV 2 1953	PERIOD FOR WHICH MADE  10/16, 20, 21, 26, 27/53	REPORT MADE BY  [Redacted] ajs
TITLE  [Redacted]	CHARACTER OF CASE  INTERNAL SECURITY - C SMITH ACT OF 1940		

SYNOPSIS OF FACTS:

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NP 1-112

Postmarked  
11/12/53  
Los AngelesSECURITY INFORMATION - CONFIDENTIAL

Subject disappeared from his home in San Francisco in July, 1951. Since that time he has operated in the District 13, CP Underground under the code name [Redacted]. He has held posts of CP Underground leader in Los Angeles, Calif., and member of Western Regional Committee of the CP-USA. Description set forth.

-P-

DETAILS: AT SAN FRANCISCO, CALIFORNIA[Redacted]  
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b7CI. CONNECTION WITH COMMUNIST PARTY UNDERGROUNDa. Residences

[Redacted] San Francisco, advised on July 10, 1951, that he last saw the subject at his usual residence, [Redacted] San Francisco on July 7, 1951.

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San Francisco T-1, of known reliability, advised that the subject, under the name [Redacted] was residing in a clandestine manner at [Redacted] Los Angeles, California in July, 1953.

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b7CSECURITY INFORMATION - CONFIDENTIAL[Redacted]  
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b7C

(Not reviewed for classification on 4/19/79)

APPROVED AND FORWARDED: [Signature]	SPECIAL AGENT IN-CHARGE	ENCLOSURE DO NOT WRITE IN THESE SPACES	RECORDED 52 INDEXED 52
COPIES OF THIS REPORT		100-49675-229	
6 - BUREAU (100-49675) (REGISTERED) 3 - LOS ANGELES (100-4959) (REGISTERED) (ENCL) 2 - SAN FRANCISCO (100-24427)		NOV 24 1953 21 12 1953 A. SECUR.	
COPIES DESTROYED		[Redacted]	

PROPERTY OF FBI—This confidential report and its contents are loaned to you by the FBI and are not to be distributed outside of agency to which loaned.

53 DEC 29 1953

62-118045-186X

SF 100-24427

b. Housing and Couriers

San Francisco T-2, of known reliability, advised that in September and October, 1952, members of the District 13 Communist Party Underground were providing housing and couriers for the subject in his capacity as a functionary in the CP Underground.

The Communist Party has been cited by the Attorney General of the United States pursuant to Executive Order 10450.

c. Meetings

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San Francisco T-3, of known reliability, stated that the subject met in a secretive manner on July 15, 1951 at 1645 Fulton Street, San Francisco, with [redacted] of the California CP, and [redacted], a convicted Smith Act subject.

San Francisco T-4, of known reliability advised that on August 19, 1951 [redacted] a CP member in San Francisco, remarked that she had on that date met with [redacted] at the Civil Rights Congress Headquarters in Oakland, California.

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The Civil Rights Congress has been cited by the Attorney General of the United States pursuant to Executive Order 10450.

San Francisco T-5, of known reliability, stated that [redacted] CP member in Los Angeles, had remarked that she saw the subject in Los Angeles on September 7, 1951, at which time the subject had attended a two day meeting at a beach house in Venice, California. [redacted] was overheard to say that the meeting was comprised of members of the District 13, CP Underground.

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San Francisco T-6, of known reliability, advised that [redacted] using the code name [redacted] was in contact with [redacted] then the District 13 CP Underground leader, in November, 1952.

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According to San Francisco T-7, of known reliability, the subject, in March, 1953, was scheduled to meet with [redacted] District 13, CP Underground leader, and [redacted] who was arrested at Twain Harte, California by the FBI on August 27, 1953 in the company of Communist fugitives and [redacted].

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According to SF T-2, the District 13, CP Underground was to provide transportation for the subject to a meeting scheduled in March, 1953, such meeting to be comprised of District 13, CP Underground functionaries, including [redacted]

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SF 100-24427

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San Francisco T-8, of known reliability, advised in April, 1953 that the subject met secretly at a cabin in the Santa Cruz mountains in California on April 17-18, 1953 with [redacted] all District 13 CP Underground functionaries. According to the informant, discussions at the meeting centered upon establishing a courier system between the District 13, CP Underground and the CP National Office, and with matters of organization and policy within the District 13, CP Underground.

San Francisco T-9, of known reliability, stated that in May, 1953 the subject was to attend a meeting of the California State CP Underground Secretariat

According to SF T-2, SF T-8 and SF T-10, all of known reliability, the subject in his capacity as a functionary in the CP Underground was in contact with the following persons over the past 1½ years:

[redacted] former District 13 CP Underground head, and member of the Western Regional Committee of the CP-USA.

[redacted] Communist Fugitive, and member of the Western Regional Committee of the CP-USA.

[redacted] member of the Western Regional Committee of the CP-USA.

[redacted] member of the Western Regional Committee of the CP-USA

[redacted] functionary, District 13, CP b6  
Underground. b7C

[redacted] District 13, CP  
Underground.

[redacted] former leader of the CP Underground in Los Angeles.

DOROTHY HEALY, convicted of violation of the Smith Act, 1940 in Los Angeles in August, 1952.

b. Posts

According to San Francisco T-11, of known reliability, the subject, under the name of [redacted] was active in February, 1952 in the District 13, CP b6  
Underground in an unknown capacity. b7C

SF T-2 stated that in January, 1953 the subject was active in the District 13, CP Underground in an unknown capacity.

SF 100-24427

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San Francisco T-7 stated that in March, 1953 the subject had been assigned temporarily by the District 13 CP leadership to the post of leader of the CP Underground in the Los Angeles area, replacing [redacted] who had resigned from the position.

SF T-7 advised that in April, 1953 the subject continued to head the District 13, CP Underground in the Los Angeles area and in that capacity was in continuous contact with DOROTHY HEALY, convicted Smith Act subject and leader of the open CP in Los Angeles.

According to SF T-2, the subject in his capacity as head of the CP Underground in Los Angeles was concerned with the political and organizational functions of the CP in Los Angeles, the material contributed to the "Daily People's World," a West Coast Communist dominated and controlled newspaper, matters of CP finances, CP infiltration into various Trade Unions, and with close liaison with the open CP leadership, represented by DOROTHY HEALY.

SF T-7 stated that in April, 1953 the open CP leadership in California, as represented by WILLIAM SCHNEIDERMAN who was convicted of violation of the Smith Act, 1940 in August, 1952, had proposed to place [redacted] on the State CP Underground Secretariat, and in addition, if DOROTHY HEALY, open CP leader in Los Angeles approved, to make the subject's position as CP Underground leader in Los Angeles permanent.

According to SF T-7, the subject in May, 1953 continued to lead the CP Underground in Los Angeles. SF T-7 advised further that in his position as CP Underground leader in Los Angeles, the subject was the center of the CP leadership in that area.

SF T-9 stated that the subject continued as leader of the CP Underground in Los Angeles in June, 1953.

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The subject, according to SF T-8, was referred to by [redacted] as the "main guy" representing the "state" in July, 1953.

San Francisco T-12, of known reliability, stated that in August, 1953 the subject was still directing CP Underground operations in the Los Angeles area.

SF T-10 reported in August, 1953 that the subject was a member of the Western Regional Committee of the CP-USA, with the specific duties of furnishing active CP political leadership in the ideological and educational fields, and in the National Association for the Advancement of Colored People, questions. According to informant, at least four other members of the Western Regional Committee were [redacted]

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SF 100-24427

e. Funds

According to SF T-2, from November, 1951 to January, 1953 the subject received wages and general expense money from the funds of the District 13, CP Underground. Informant related further that during this time the CP Underground provided the subject with an emergency reserve fund fluctuating from \$250.00 to \$300.00. Informant said that after January, 1953 the subject was probably still receiving funds through the CP Underground.

f. Laboratory Analyses

An FBI Laboratory report dated August 4, 1953 revealed that the subject was the writer of certain documents made available by SF T-2 that show the subject was actively participating in the District 13, CP Underground in February, 1953.

An FBI Laboratory report dated September 18, 1953 identified the subject as the writer of certain documents furnished by SF T-1, which placed the subject as actively participating in the District 13, CP Underground in August, 1953.

g. Miscellaneous

San Francisco T-13, of known reliability, advised that the subject, under the name [redacted] was receiving mail from his wife, [redacted] through the District 13, CP Underground courier system in February, 1952.

According to San Francisco T-14, of known reliability, the subject met secretly with his wife, [redacted] Los Angeles, during the latter part of February and early part of March, 1952. *CAZ*

San Francisco T-15, of known reliability, stated that in March, 1952 at the home of [redacted] CP members in Oakland, California, it was mentioned that [redacted] was operating in the District 13, CP Underground

According to San Francisco T-12, of known reliability, in August, 1952 the subject had, on at least one occasion, used the disguise of dressing as a woman to avoid detection.

II. DESCRIPTION

The following is a description of the subject as obtained from reliable informants and personal observation:

SF 100-24427

Name & Aliases

115

[Redacted]

Sex Male  
Race Negro  
Born [Redacted]  
Height 5'4"  
Weight 168 lbs.  
Build Stocky  
Hair Black  
Eyes Brown. Wears horn-rimmed glasses.  
Complexion Light brown  
Education Fifth grade  
Marital Status Married. Wife, [Redacted]

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Children [Redacted]

Occupations

Laborer, welder, seaman, service station attendant, refrigerator repairman, union organizer, associate newspaper editor.

FBI Number [Redacted]

Fingerprint Classification

19 O 28 W MMM Ref 27  
L 30 u OIM 30

Arrests

1932, Mason City, Iowa, PD No. 8221,  
(loitering)  
1936, Los Angeles, Calif., PD No. 56991  
(holding CP meeting without permit)

Peculiarities

Wears thin mustache

ENCLOSURES: (2) TO LOS ANGELES OFFICE

1 copy of Prosecutive Summary Report of SA [Redacted] dated b6  
6/29/51 at San Francisco. b7C

1 copy of Supplemental Prosecutive Summary Report of SA [Redacted]  
[Redacted] dated 9/29/52 at San Francisco.

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Greenberg/Gray-6229

SF 100-24427

ADMINISTRATIVE PAGESOURCES

IDENTITY OF SOURCE	DATE OF ACTIVITY AND/OR DESCRIPTION OF INFORMATION	DATE RECEIVED	AGENT TO WHOM FURNISHED	FILE NUMBER WHERE LOCATED
SF T-1; LA 3741-S*	7/31/53 8/13/53	7/31/53 8/13/53		
SF T-2; CS SF 62X*	11/51-8/52 9/26/52 8/52-10/52 10/28/52 11/52-1/53 2/13/53 3/27/53 4/13/53	8/6/52 9/26/52 10/15/52 10/28/52 1/26/53 & 2/11/53 2/13/53 3/27/53 4/13/53		b6 b7C
SF T-3;	7/15/51	7/18/51	[redacted] (orally)	100-24427-637
SF T-4;	8/19/51	8/27/51	[redacted] (orally)	100-24427-772A
SF T-5;	9/7/51	9/10/51	[redacted] (orally)	100-24427-782
SF T-6; CS SF 63X*	10/17/52	10/17/52		
SF T-7; CS SF 71X*	3/10/53 3/11/53 4/9/53 4/16/53 5/8/53 5/13/53	3/10/53 3/11/53 4/9/53 4/16/53 5/8/53 5/13/53		
SF T-8; SF 2015-S*	4/17,18/53 7/19/53	4/17,18/53 7/19/53		
SF T-9; LA 3721-S*	5/23/53 6/18/53	5/23/53 6/18/53		b6 b7C
SF T-10; Evidence seized incidental to arrests at Twain Harte, Calif.	8/27/53	8/27/53	[redacted] et al.	100-37592-1B (5)

SF 100-24427

cont...  
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ADMINISTRATIVE PAGE

IDENTITY OF SOURCE	DATE OF ACTIVITY AND/OR DESCRIPTION OF INFORMATION	DATE RECEIVED	AGENT TO WHOM FURNISHED	FILE NUMBER WHERE LOCATED
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SF T-11:	2/14/52	2/15/52	[redacted]	100-24427-919
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✓ SF T-12; CS SF 88X\*

8/14/53	8/14/53
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SF T-13:	2/14/52	2/15/52	[redacted]	100-30619-1B(3)
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SF T-14; Fisur	2/29-3/10/52	b2 b7D	2/29-3/10/52 et al.	[redacted] 100-4959-1A28
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SF T-15:	3/5/52	3/5/52	[redacted]	100-27656A-301A (33)
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SF T-16:	8/52	9/10/52	[redacted]	LA 66-3462A(8)
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LEADS: LOS ANGELES DIVISION

AT LOS ANGELES, CALIFORNIA

Will furnish completed documentation of SF T-14 and SF T-16 in this report.

SAN FRANCISCO DIVISION

AT SAN FRANCISCO, CALIFORNIA

Will continue efforts to locate the subject through available CP Underground sources.

REFERENCES: Prosecutive Summary Report of SA [redacted] dated 6/29/51 at San Francisco.

Supplemental Prosecutive Summary Report of SA [redacted] dated 9/29/52 at San Francisco.

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Administrative Report of SA [redacted] dated 2/18/53 at San Francisco.

UNITED STATES GOVERNMENT

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DATE 04-09-2009 BY 65179 dmh/baw/sbs

# Memorandum

FEDERAL GOVERNMENT

TO : Joseph Tierney  
Federal Bureau of Investigation

FROM : Francis J. Martin  
Criminal Division

SUBJECT: Additional Requests for Documents

DATE: April 30, 1979

*W. Mark Felt*

Attached is a copy of an April 23, 1979, request from Frank Dunham. Please provide me with copies of the requested documents and make available "brown-out" copies of the documents for which Mr. Dunham has requested redaction explanations.

No need to  
comply since in person  
reden explanations now  
being given in presence  
of Nichols/Martin & Felt's  
attorneys

*dmr*

62-118045-195X1

6 JAN 24 1980

*JMC*  
**ENCLOSURE**

*CH-FF*

62-118045

  
Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan  
59 JAN 31 1980

~~SECRET~~

Greenberg, Gray-6233

LAW OFFICES  
LEONARD, COHEN, GETTINGS AND SHER

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WASHINGTON, D.C. 20006

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JOANNE F. ALPER  
JAMES T. DEVINE  
FRANK W. DUNHAM, JR.  
MARK D. CUMMINGS\*

\*MEMBER VIRGINIA BAR ONLY

April 23, 1979

b2

Francis J. Martin, Esq.  
Criminal Division  
Department of Justice  
Washington, D.C. 20530

EXEMPTED FROM AUTOMATIC  
DECLASSIFICATION  
AUTHORITY DERIVED FROM:  
FBI AUTOMATIC DECLASSIFICATION GUIDE  
EXEMPTION CODE 25X(1)  
DATE 04-09-2009

Dear Frank:

Set out below are a number of additional matters which we would like to have addressed -- additional request for documents, request for generic explanations of redactions, and request for rexeroxed copies of illegible documents.

A. Additional Requests for Documents

doc moved from  
and from DOJ

- whitehouse pkg 1. Two documents behind 209(B)2 which were removed. Bu. package 3, d. 3. b
- LPG 7-42 2.
- whitehouse pkg 4. 3. Document in front of 209(B)29 which was removed because it contained White House material, 3, 28 4/9-4/27/73 inspection workpapers that were removed from document 210. package 30
- item removed for FCI 5.
- pkg46 LPG 6-1 6. Bureau document #105-195696, serial 112.
- b6 b7C 7. The names of agents conducting the feasibility study referred to in document 216(A)4. Bu. 19; 4
8. Copy of the FBI Manual and Handbook as it existed in 1972 referred to in document 233(A)2. Bu. 24; 2
- 62-115360-28? 9. State Department document removed from 209(D)4. Bu. 7; 4
- whitehouse pkg 10. 11. White House information attached to 209(F)47. Bu. 12. 47
- cut off? 11. Copy of the May 28, 1976 edition of "Foreign Intelligence Collection and Foreign Counterintelligence Investigation Guidelines."
- done 12. Document 209(A)12 appears to refer to a wiretap on a foreign establishment. We need to know what country was overheard. Bu. 1; 12

B. Explanation of Redactions

Bu. ① item 2

1. 209(A)2, airtel to Director from SAC Miami 3/21/68 re SDS#1;
2. 209(A)23, memo to SAC Albany from Director 4/15/69 re New Left Movement - Foreign Influence. Bu. #1, 23
3. 209(A)31 Report re foreign support for revolutionary protest movements in the U.S. dated 6/30/69. Bu. #1; 31

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

~~SECRET~~

ENCLOSURE

62-118045-195X)

~~SECRET~~

Francis J. Martin, Esq.  
April 23, 1979  
Page Two

- 4.✓ 209(G)5, memo to Deloach from Sullivan 2/15/68 re intelligence operations. *Bu.14.5*
5. 218(A)51 teletype to SAC NY etc. from Director 11/13/69 re Venceremous Brigade; IS-ANA (New Left-Foreign Influence). *Bu.41.51 #2 phg 2*
6. 219(A)79, Report "Youth in Rebellion" 2/7/69 *Bu.38.79 Vol#2*
7. 209(C)7, Memo to Callahan from Jacobson 5/31/74 re adequacy of personnel special agent, NY division *Bu.b.7*
8. Attachments to document 216(A)79. *Bu.19.79*
9. 209(D)10, memo to Miller from Smith 10/31/72 re Cabinet Committee to Combat Terrorism. *Bu.7.10*
10. 209(D)15 memo to Miller from Cregar 10/17/72 re Cabinet Committee to Combat Terrorism. *Bu.7.15*
11. 81a, SAC NY from Director 7/22/66 re blocked out ESP-R <sup>#10-12</sup>
12. 82b - airtel SAC Atlanta from Director FBI 1/19/67 *(first set)* re blocked out espionage. *#10-14 (first set)*
13. 85a memo to Belmont from Sullivan 9/17/64 re Jaro Espionage - Russia. *#9-1 (first set)*
14. 85k - memo to Sullivan from Branigan 10/10/67 re [redacted] espionage - Russia. *#9-11 (first set)*

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C. Illegible Xeroxing

*Done* 1. 216(A)47. *Bu.19.47*

We would appreciate receiving the above documents and explanations in the near future or at least some indication as to whether or not you intend to make the information requested available. We anticipate that we may have similar requests in the future as we continue to digest the materials you have provided us.

Sincerely,

LEONARD, COHEN, GETTINGS & SHER

*Frank W. Dunham, Jr.*  
Frank W. Dunham, Jr.

FWD:kw

Greenberg/Gray-6234

~~SECRET~~

UNITED STATES GOVERNMENT

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

## *Memorandum*

TO : Mr. Bailey *Wm J*  
~~JL~~ AL  
FROM : J. L. Tierney HE DA

DATE: 5/7/79

SUBJECT: U. S. vs. W. MARK FELT, et al.  
DISCOVERY PROCEEDINGS

**Assoc. Dir.** \_\_\_\_\_  
**Dep. AD Adm.** \_\_\_\_\_  
**Dep. AD Inv.** \_\_\_\_\_  
**Asst. Dir.:**  
**Adm. Servs.** \_\_\_\_\_  
**Crim. Inv.** \_\_\_\_\_  
**Ident.** \_\_\_\_\_  
**Intell.** \_\_\_\_\_  
**Laboratory** \_\_\_\_\_  
**Legal Coun.** \_\_\_\_\_  
**Plan. & Insp.** \_\_\_\_\_  
**Rec. Mgmt.** \_\_\_\_\_  
**Tech. Servs.** \_\_\_\_\_  
**Training** \_\_\_\_\_  
**Public Affs. Off.** \_\_\_\_\_  
**Telephone Rm.** \_\_\_\_\_  
**Director's Sec'y** \_\_\_\_\_

PURPOSE: To record resolution of a disagreement with Frank Martin of the Department, and a single past action on his part which we consider improper.

SYNOPSIS: Oral explanation of redactions to defense counsel for Mr. Felt will be made by FBI, instead of by Frank Martin as proposed by him. Martin will be present to litigate and to insure unnecessary issues are eliminated. Martin now advises he made similar explanations to Mr. Miller's counsel in December, 1978. Martin has been told we would have objected had we been aware.

RECOMMENDATION: None. For information.

APPROVED:	Adm. Serv.	Legal Coun.
Director	Crim. Inv.	Plan. & Insp.
Assoc. Dir.	Ident.	Rec. Mgmt. <i>WB/100</i>
Dep. AD Adm.	Intell.	Tech. Servs.
Dep. AD Inv.	Laboratory	Training
		Public Affs. Off.

PUBLIC A  
REC-114

DETAILS: The government has a recognized obligation under court-ordered discovery to provide generic descriptions or explanations of the justification for material withheld from the defense. The first attempt to do this was in the form of an alphabetical code added to a forty page list of documents already exhibited to the defense. Brian P. Gettings, attorney for Mr. Felt, prepared the list and indicated by a check-mark on the list those documents for which he desired an explanation. We added to the list the appropriate letter for the documents he selected (e.g. "A" for a pending investigation, "B" for protection of a source). *21*

1 - Mr. Adams 1 - Mr. Bailey  
1 - Mr. McDermott 1 - Mr. Bresson (Info.)  
1 - Mr. Steel 1 - Mr. Daly  
1 - Mr. Mintz (Info.) 1 - Mr. Tierney

on MAY 15 1979

JLT:bas  
(9) 103

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FBI/DOJ

53 JUN 13 1979

Memorandum from Mr. Tierney to Mr. Bailey  
Re: U. S. vs. W. Mark Felt, et al.  
Discovery Proceedings

By letter dated 4/17/79 Mr. Gettings' office complained of their inability to decide whether to litigate individual deletions based upon the limited explanation furnished. Additional explanations were requested by letter dated 4/23/79.

Both letters were forwarded to us by Mr. Martin who directed us to furnish him the "brown-out" or working copies of all the documents for which explanations were being requested.

Inquiry of Mr. Martin determined that he intended to bring the "brown-out" copies (the redacted text can be read through the brown, unlike the copies furnished the defense) to Mr. Gettings' office where he would endeavor to explain the nature of the withheld material more explicitly in hope of satisfying defense counsel. I immediately advised Mr. Martin I had reservations about his performing this function and would have to consider it.

On 5/2/79 I advised Mr. Martin we strongly objected to this procedure and proposed instead that written explanations be furnished or that the oral explanation be furnished by us. He agreed to our furnishing the oral explanation, but insisted he also be present, emphasizing his function in the litigation of minimizing contested areas and insuring the trial of this case is not unnecessarily blocked by our inability to reveal sensitive information during disclosure. I have agreed to this procedure.

During the 5/2/79 discussion Mr. Martin revealed for the first time he had already given similar explanations to Thomas Kennelly, attorney for Mr. Miller, during December, 1978. He did not have to obtain "brown-out" copies from us since he already had unredacted copies of the documents then in question in his files. I told him we would have objected had we known.

At my request the defense will be asked to come to FBI space, in order to avoid an enormous logistical problem of removing individual copies of serials from our records. The target date is 5/14/79 so the prosecution can say the explanations have been given before the 5/16/79 hearing. Mr. Martin will go over the material with us beforehand, in effect a "dress rehearsal." ASAC Paul V. Daly will be present if at all possible.

Memorandum from Mr. Tierney to Mr. Bailey  
Re: U. S. vs. W. Mark Felt, et al.  
Discovery Proceedings

Although I did not have to say so explicitly, our objection to Mr. Martin's original procedure is particularly strong because he has demonstrated a lack of sensitivity to classified materials in the past. I am aware of no precedent for his proposal and believe we should not create one. We must be permitted to formulate and express the explanation for the sensitivity of our records, particularly when the issues are protection of sources, intelligence methods and techniques, and pending investigations. When the explanation is oral, the question becomes critical.

Because of his perspective as a prosecutor, there will undoubtedly be differences of judgment between Mr. Martin and us on the amount of detail to be furnished to satisfy the defense. We are confident of our ability to resolve them in spite of the fluid and dynamic nature of an oral conference with defense counsel.

~~SECRET~~

UNITED STATES GOVERNMENT

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

# Memorandum

TO : MR. McDERMOTT EXEMPTED FROM AUTOMATIC  
DECLASSIFICATION

DATE: 5/17/79

AUTHORITY DERIVED FROM:  
FBI AUTOMATIC DECLASSIFICATION GUIDE  
EXEMPTION CODE 25X(1)  
DATE 04-09-2009

FROM : W. L. Bailey

Asst. Dir.: \_\_\_\_\_  
Dep. AD Adm. \_\_\_\_\_  
Dep. AD Inv. \_\_\_\_\_  
Assoc. Dir.: \_\_\_\_\_  
Adm. Servs. \_\_\_\_\_  
Crim. Inv. \_\_\_\_\_  
Ident. \_\_\_\_\_  
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Laboratory \_\_\_\_\_  
Legal Coun. \_\_\_\_\_  
Plan. & Insp. \_\_\_\_\_  
Rec. Mgmt. *b6* \_\_\_\_\_  
Tech. Servs. \_\_\_\_\_  
Training \_\_\_\_\_  
Public Affs. Off. \_\_\_\_\_  
Telephone Rm. \_\_\_\_\_  
Director's Sec'y \_\_\_\_\_

SUBJECT: U. S. vs FELT ET AL

*Mark*

*Bryant*

(S)

b1

(S)

*SP*

No final ruling was made on the Attorney General's claim of privilege. The Judge was disturbed by the fact that Miller and Felt would have had access to this material in their official capacity as FBI officials and this material may have been a factor in the decision to authorize surreptitious entries. Because of this possibility, Judge Bryant expressed concern that it would not be proper to deprive them of the material in discovery in this matter. The Department has asked that the Judge reconsider his decision to allow defendants the Barker-Martinez defense. The Judge did not rule on this motion. (u)

At the conclusion of the hearing, the Judge expressed a final concern at the various hurdles being placed before the defense making it difficult for the defense to properly represent their clients and indicated he was ready to clear some of the hurdles away. Judge Bryant also ordered the production to him in camera of approximately 400 additional documents containing foreign government information and production to the defense of additional files. (u)

CLASS. & EXT. BY *9803 RCD/MLP* 5/24/79  
1 - Mr. McDermott REASON-FCIM II, 1-2-42-1  
1 - Mr. Bailey DATE OF REVIEW *5/17/79* 62-118045-197  
1 - Mr. Steel (CONTINUED-OVER) REC-14  
1 - Mr. Tierney

PVD:jam jam (5)

11 JUN 12 1979



3 JUN 13 1979

Buy U.S. Savings Bonds, Regularly on the Payroll Savings Plan

~~SECRET~~

Greenberg/Gray-6238

FBI/DOJ

~~SECRET~~

W. L. Bailey to Mr. McDermott Memorandum  
Re: U. S. vs Felt Et Al

Arrangements are being made to comply with this and the necessary personnel to fulfill this request are being selected. The 400 additional documents containing foreign government information are to be produced Friday, 5/18/79. (2)

*pvc*

APPROVED: *W.L.B.*

Director	Adm. Serv.	Legal Coun.
Assoc. Dir.	Crim. Inv.	Plan. & Insp.
Dep. AD Adm.	Int'l	Pub. Rel.
Dep. AD Inv.	Laboratory	Technic.
		Public Affs. Off.

*W.L.B./Felt*

~~SECRET~~



**UNITED STATES DEPARTMENT OF JUSTICE**

**WASHINGTON, D.C. 20530**

EXEMPTED FROM AUTOMATIC  
DECLASSIFICATION  
AUTHORITY DERIVED FROM:  
FBI AUTOMATIC  
DECLASSIFICATION GUIDE  
EXEMPTION CODE: 25X(1)  
DATE 04-15-2009  
FBI INFORMATION ONLY

Address Reply to the  
Division Indicated  
and Refer to Initials and Number

JWN: ams

**FEDERAL GOVERNMENT.**

May 23, 1979

Brian P. Gettings, Esquire  
Thomas A. Kennelly, Esquire

W. Mark

Dear Sirs.

b6  
b7C

We have made arrangements to provide you with access in your offices to documents previously available to you only in the Department of Justice Security Center or in the office of Mr. Daly at FBI headquarters. The documents consist of very sensitive FBI information, in substantially unredacted form, received from the National Security Agency, the Central Intelligence Agency and from the FBI's own sources. However, on request to [ ] of the Department's Security Office (telephone no. 633-4511) a courier will bring the requested documents to you in the morning and pick them up in the evening provided that they are handled in accordance with his instructions.

Should you need to show a document to a properly cleared witness whom you interview outside of your office, either in Washington, D.C. or elsewhere, a courier will be provided. [REDACTED] will brief you on details.

You already have possession of redacted copies of many of the above documents. If you want redacted copies of any of the other documents mentioned above, or if you have any questions, please let me know. RFC-114 - 118-244

Sincerely,

11 JUN 12 1979

John W. Nields, Jr.  
Special Counsel  
Criminal Division

cc: Chief Judge Bryant  
Orfeo Trombetta

Orfeo T  
53 JUN 13 1979

Greenberg/Gray-6240

1 - Mr. J. J. McDermott  
1 - Mr. W. O. Cregar  
1 - Mr. W. L. Bailey

Mr. Philip B. Heymann  
Assistant Attorney General  
Criminal Division

Director, FBI

May 18, 1979

1 - Mr. J. L. Fierney  
1 - [redacted]

b6  
b7c

UNAUTHORIZED DISCLOSURE OF  
CLASSIFIED INFORMATION  
(UNITED STATES V. L. PATRICK  
& GRAY, III, ET AL.)

Reference is made to your memorandum dated April 23, 1979, requesting I provide you copies of 11 documents identified in the enclosure to my memorandum of February 14, 1979.

Enclosed is a copy of an interview form (FD-302) dated June 23, 1978, setting forth the results of the interview of Assistant Director Richard E. Long on June 22, 1978. Originals of the other ten documents requested have been provided to the Department, except for the two which originated within the Department. It is presumed file copies of the latter are maintained in the Department.

Your request at this late date for copies of documents relating to the safeguarding of national security material in an important and sensitive investigation raises questions relating to accountability and safekeeping procedures within the Department.

I am particularly concerned regarding document numbered 11 in your memorandum of April 23, 1979. This communication from the Deputy Associate Director, FBI, to the Deputy Assistant Attorney General, Criminal Division, contained classified enclosures, including one originating within another Intelligence Community agency and relating to Sensitive Compartmented Information. If this document and its enclosures are not locatable within the Department, I request the provisions of Title 28, Code of Federal Regulations, Part 17.55 (28 CFR 17.55) be invoked and that I be advised so I may alert the National Security Agency, who is the originator of one of its enclosures.

62-117792

① - 62-118045 (US v. Gray, et al.)

DR:lfj  
(15)

NOT RECORDED

167 JUN 13 1979

SEE NOTE PAGE 4

Greenberg/Gray-6277

53 JUN 13 1979

63-117792-1351  
ORIGINAL FILED IN

Mr. Philip B. Heymann  
Assistant Attorney General  
Criminal Division

If you desire further identifying information relating to the ten documents, please contact the FBI Security Officer (324-4901).

I am furnishing copies of this memorandum to the recipients of my memorandum of February 14, 1979. I request the Department Security Officer make any necessary inquiries in an effort to determine if these documents have been lost or compromised. I am also designating a copy of this memorandum for Mr. Allan Kornblum, Chief Attorney, Investigation Review Unit, as he was appointed on April 9, 1979, by the Attorney General to conduct a review of procedures within the Department for safeguarding national security information and material.

My concern regarding unauthorized disclosures of sensitive national security material in connection with the surreptitious entry investigation, and my request that corrective action be taken, including that required by the Code of Federal Regulations, were first communicated to the Department by memorandum dated October 5, 1978. My memorandum to you dated February 14, 1979, again requested you review this matter under the requirements of 28 CFR 17, and specifically requested Parts 17.38 and 17.55 be complied with, that responsibility for the unauthorized disclosure be determined, and that this matter be considered by the Department Review Committee (DRC) at the earliest possible date so that recommendations could be provided to the Attorney General. I also requested I be provided reports of the appropriate Security Officers as well as the Security Officer of the Department. Again, by memorandum dated April 3, 1979, I requested I be advised of the status of this inquiry.

I again request appropriate steps be taken to expedite the necessary action required by the Code of Federal Regulations and that I be advised.

Enclosure

Mr. Philip B. Heymann  
Assistant Attorney General  
Criminal Division

- 1 - Assistant Attorney General  
Office of Legal Counsel
- 1 - Assistant Attorney General  
Civil Rights Division
- 1 - Mr. Leon Ulman, Chairman  
Department Review Committee
- 1 - Mr. Michael E. Shaheen, Jr., Counsel  
Office of Professional Responsibility
- 1 - Mr. D. Jerry Rubino  
Security Officer  
Department of Justice
- 1 - Mr. Allan Kornblum, Chief Attorney  
Investigation Review Unit

Mr. Philip B. Heymann  
Assistant Attorney General  
Criminal Division

NOTE: On 10/5/78, the Director delivered a memorandum to the Deputy Attorney General, Office of Legal Counsel, expressing concern regarding the handling of national security information in this matter. He requested the Department conduct a review to determine if there was a violation of statutes and that the provisions of the Code of Federal Regulations be effected. The Assistant Attorney General, Criminal Division, responded on 1/12/79, stating prosecution was inappropriate because the FBI did not follow Executive Order and Department regulations, attorneys received insufficient notice and used information in good faith, and there was lack of criminal intent. By memorandum dated 2/14/79 to the Assistant Attorney General, Criminal Division, the Director furnished a chronological summary of the continuing notice provided to the Department which would indicate possible negligence on the part of the Department, and requested the inquiry required by the Code of Federal Regulations be conducted. A follow-up memorandum was forwarded to the Department on 4/3/79. The Department has now requested we furnish copies of documents which we have either already provided to them or which originated within the Department to assist them in replying to the issues raised by the Director. As eight months have elapsed since the Director brought this matter to the Department's attention, and three months since he reiterated his request have passed, and it would appear the Department has not even located the documents involved at this late date, this memorandum is warranted. Also, the Department is either unable to locate or has lost additional classified information, and this should be called to its attention so that appropriate inquiries necessitated by the Code of Federal Regulations may be effected.

DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATION MESSAGE FORM

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

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P DC  
PAGE 1 OF 3

DATE	CLASSIFICATION	PRECEDENCE
5/24/79	<del>CONFIDENTIAL</del>	IMMEDIATE
EXEMPTED FROM AUTOMATIC DECLASSIFICATION		
AUTHORITY DERIVED FROM: FBI AUTOMATIC DECLASSIFICATION GUIDE EXEMPTION CODE 25X(6) DATE 04-15-2009		
START HERE FM <u>FM DIRECTOR, FBI</u> TO <u>TO LEGAL ATTACHE, PARIS {IMMEDIATE}</u> BT <u>L. Patrick Gray III</u> 14 <del>CONFIDENTIAL</del> UNITED STATES VERSUS W. MARK FELT, ET AL; DISCOVERY PROCEEDINGS 12 RE LEGAT LETTER TO FBIHQ NOVEMBER 19, 1971, CAPTIONED (U) <span style="border: 1px solid black; padding: 2px;"> </span> IS-CU, 00:NY, MADRID FILE 105-171 {CLASSII- 10 FIED CONFIDENTIAL DURING FBIHQ REVIEW ON MARCH 28, 1978}. <del>(C)</del> RELET IS A DOCUMENT POTENTIALLY RELEVANT TO DEFENSE EFFORTS 8 IN CAPTIONED CASE. THE PRESENT ISSUE TO BE RESOLVED IS WHETHER OR NOT IT CAN BE DISCLOSED TO DEFENDANTS FELT AND EDWARD S. 6 MILLER AND THEIR DEFENSE COUNSEL, ALL OF WHOM HAVE BEEN ISSUED TOP SECRET CLEARANCES BY THE DEPARTMENT. DISCLOSURE SOUGHT BY 4 THE PROSECUTION TEAM IS DURING DISCOVERY PROCEEDINGS ONLY AND (U) NOT FOR USE AT PUBLIC TRAIL. <del>REC 138</del> <span style="font-size: small;">REC 138</span> <u>62-118045-199</u> 2 SIMILAR REQUESTS HAVE BEEN MADE WITH RESPECT TO SIMILAR DOCUMENTS TO SIX OTHER FOREIGN SOURCES COVERED BY OTHER LEGATS. DO NOT TYPE MESSAGE BELOW THIS LINE		
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APPROVED BY	DR. REPPY	DATE
<u>WLB/RS</u>	<u>5/25</u>	5/24/79
JLT:CLS	{?}	ROOM
		6786/4
		4402

DO NOT TYPE PAST THIS LINE

1 - MR. J. J. McDERMOTT 1 - MR. A. L. STEEL 1 - MR. J. A. MINTZ 1 - MR. W. O. CREGAR 1 - MR. W. L. BAILEY 1 - MR. J. L. TIERNEY		<del>CONFIDENTIAL</del>
		MAY 25 1979
ATTN: <span style="border: 1px solid black; padding: 2px;"> </span> ERAL COMMUNICATIONS SECTION COMMUNICATIONS SECTION		
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DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATION MESSAGE FORM

PAGE 2

## CONTINUATION SHEET

~~PAGE FORTY ONE DE HQ 0126 C O N F I D E N T I A L~~

ALL OBJECTIONS TO DISCLOSURE BY SUCH SOURCES HAVE BEEN AND WILL  
20 BE HONORED. ONE GOVERNMENT COULD NOT BE CONTACTED {REPUBLIC OF  
18 CHINA - NO DIPLOMATIC RELATIONS} AND PRIVILEGE WAS ASSERTED AND  
(U) DISCLOSURE REFUSED. ~~(X)~~

16  
(C)

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b1

10 LEGAT, PARIS SHOULD INQUIRE OF BOTH SOURCES FOR PERMISSION  
TO RELEASE RELET TO DEFENSE DURING DISCOVERY. RELET SHOULD BE  
8 EXHIBITED TO SOURCES IF THEY DESIRE PRIOR TO MAKING DECISION  
- UNLESS COMPELLING REASON TO THE CONTRARY EXISTS. ALTHOUGH DIS-  
6 CLOSURE TO DEFENSE IS SOUGHT BY PROSECUTION TO AVOID HAVING  
- FOREIGN SOURCE PROTECTION INTERESTS UNNECESSARILY PREVENT CAP-  
4 TIONED CASE COMING TO TRIAL, REFUSAL BY SOURCE TO CONSENT TO  
(U) DISCLOSURE WILL BE HONORED BY FBI AND ATTORNEY GENERAL. ~~(X)~~

2 LEGAT MAY CONSULT ASAC PAUL V. DALY OR SA JOSEPH L.  
TTERNEY THROUGH FBIHQ IF CLARIFICATION OR COPY OF RELET NEEDED.

DO NOT TYPE MESSAGE BELOW THIS LINE

DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATION MESSAGE FORM

PAGE

3

## CONTINUATION SHEET

~~PAGE THREE DE HQ 0126 C O N F I D E N T I A L~~

HANDLE EXPEDITIOUSLY AND SUTEL RESULTS OF CONTACT: {U}

20 ~~C&E 1929, REASON [ ] , DRD MAY 24, 2007.~~

18 BT

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DO NOT TYPE MESSAGE BELOW THIS LINE

~~CONFIDENTIAL~~

Teletype to Legat, Paris

Re: United States Versus W. Mark Felt, Et Al; Discovery Proceedings

NOTE:

Legats, Hong Kong, Mexico City, Ottawa, Paris, and Tokyo have [redacted] already been contacted during March, 1979. [redacted] sources asked to review documents in question before reaching decision, and then refused permission. Inquiry of Legat, Paris, now required because a new document has now surfaced. Additional explicit detail included in this communication since several Legats were unable to grasp action required during the last round of (U) communications and had to seek clarification via telephone. (X)

b7D

Text reviewed and approved by John Nields, DOS. (U)

- 4 -

Greenberg/Gray-6284

~~CONFIDENTIAL~~

DECLASSIFICATION AUTHORITY DERIVED FROM:  
FBI AUTOMATIC DECLASSIFICATION GUIDE  
DATE 04-15-2009

Assec. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.
Adm. Serv.
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Tech. Servs.
Training
Public Affs. Off.
Telephone Rm.
Director's Secy

P 291145Z MAY 79

FM PARIS (197-1)

TO DIRECTOR PRIORITY 144-29

BT

~~CONFIDENTIAL~~

29 MAY 79 14 24z

RECEIVED  
FEDERAL BUREAU  
OF INVESTIGATION  
COMMUNICATIONS SECTION

UNITED STATES VERSUS W. MARK FELT, ET AL; DISCOVERY PROCEEDINGS.

RE BUREAU CABLE, MAY 24, 1979.

144-29  
CONTACT WITH [redacted]

b7D

[redacted] DETERMINED BOTH AGENCIES

(CRD)

INCONTROVERTIBLY OPPOSED TO RELEASE OF INFORMATION FURNISHED  
BY THEM TO LEGAT, MADRID. THIS POSITION IS CONSISTENT WITH  
POLICY FOLLOWED BY BOTH AGENCIES IN ANY INSTANCE WHERE DISCLOSURE  
OF THEIR INFORMATION IS REQUESTED.

~~CLASSIFIED BY 2415, REASON (1), DRD MAY 29, 2009.~~

BT

Copy removed  
5/30/79 [initials]

EX-110

62-118045

REC-70

62-118045-200

2 MAY 31 1979

Greenberg/Gray-6285

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-15-2009 BY 65179 dmh/baw/sbs

Mr. Philip B. Heyman  
Assistant Attorney General  
Criminal Division

John J. McDermott  
Assistant to the Director  
Deputy Associate Director, FBI

UNAUTHORIZED DISCLOSURE OF  
CLASSIFIED INFORMATION  
(UNITED STATES V. L. PATRICK  
GRAY, III, ET AL.)

- 1 - Mr. J. J. McDermott  
1 - Mr. W. L. Bailey  
1 - Mr. R. P. Finzel

June 14, 1979

- 1 - Mr. J. L. Tierney  
1 - [REDACTED]

b6  
b7c

O  
W. MARK FELT

Reference is made to your memorandum dated April 23, 1979, requesting you be provided copies of 11 documents identified in the enclosure to the Director's memorandum of February 14, 1979, and to the Director's memorandum to you dated May 18, 1979, furnishing you one of the documents which had not been previously furnished to the Department.

On June 7, 1979, Mr. Francis J. Martin, of the Criminal Division, solicited copies of the other ten documents from a Special Agent of this Bureau. He desired these copies of the documents so he would be in a position to interview [REDACTED] of the Civil Rights Division, regarding the whereabouts of the Department's copies of the documents and the circumstances relating to their handling within the Department.

b6  
b7c

I have instructed this Bureau's Security Officer to make available to Mr. Martin for review copies of the ten documents originally requested in your memorandum of April 23, 1979, so he will be in a position to effectively interview [REDACTED]. However, I would appreciate your promptly abiding by the request set forth in the Director's memorandum dated May 18, 1979, that appropriate steps be taken to expedite the necessary action required by the Code of Federal Regulations.

b6  
b7c

- 1 - Mr. D. Jerry Rubino  
Security Officer  
Department of Justice

- 1 - Mr. A. L. Steel, Jr.

- ① - 62-118045 (US v. Gray, et al.)

62-117792

DR:lfj  
(11) 79

61 JUL 13 1979

Greenberg/Gray-6361

DUPPLICATE YELLOW

SEE NOTE PAGE 2

62-118045-

NOT RECORDED

62 JUN 21 1979

ORIGINAL FILED IN 62-117792-1 50

Mr. Philip B. Heymann  
Assistant Attorney General  
Criminal Division

NOTE: On 10/5/78, the Director delivered a memorandum to the Deputy Assistant Attorney General, Office of Legal Counsel, expressing concern regarding handling of national security information in this matter and requesting that the Department conduct a review to determine if there was a violation of criminal statutes or Federal regulations. Assistant Attorney General, Criminal Division, responded on 1/12/79, stating prosecution was inappropriate because the FBI did not follow Executive Order and Department regulations, attorneys received insufficient notice and used information in good faith, and there was a lack of criminal intent. The Director responded by furnishing a chronological summary of the continuing notice provided to the Department and requested an inquiry be conducted as required by the Code of Federal Regulations. A follow-up memorandum was forwarded on 4/3/79. Thereafter, by memorandum dated 4/23/79, Department requested copies of the documents already provided to them be again provided to assist them in replying to the issues raised by the Director. As it appears the Department is either unable to locate or has lost additional classified information, the matter was called to the attention of the Assistant Attorney General, Criminal Division, by memorandum dated 5/18/79 so that appropriate inquiries could be made in accordance with the Code of Federal Regulations. Ten of the 11 documents were not again furnished to the Department. Based on the request of Department Attorney Martin, we believe it is appropriate to allow him to review our copies of the documents he is unable to locate in Department of Justice files. Attached letter again reminds Department of its responsibilities in connection with the Code of Federal Regulations in this matter.

FEDERAL BUREAU OF INVESTIGATION  
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No Duplication Fees are charged for Deleted Page Information Sheet(s).

Total Deleted Page(s) ~ 154

Page 28 ~

Pursuant to sealed court order

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